

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEE KELLY CLARKE,

Petitioner,

v.

SCSO AND PEOPLE OF CALIFORNIA,

Respondents.

Case No. 2:22-cv-00026-JAM-JDP (HC)

ORDER FINDING THAT THE PETITION
DOES NOT STATE A COGNIZABLE
SECTION 2254 CLAIM AND GRANTING
LEAVE TO AMEND WITHIN THIRTY
DAYS

ECF No. 1

Petitioner, proceeding without counsel, seeks a writ of habeas corpus under 28 U.S.C. § 2254. After reviewing the petition, I find it incomprehensible; I cannot tell what or even how many claims are at issue. I will give petitioner a chance to amend before recommending that this action be dismissed.

The petition is before me for preliminary review under Rule 4 of the Rules Governing Section 2254 Cases. Under Rule 4, the judge assigned to the habeas proceeding must examine the habeas petition and order a response to the petition unless it “plainly appears” that the petitioner is not entitled to relief. *See Valdez v. Montgomery*, 918 F.3d 687, 693 (9th Cir. 2019); *Boyd v. Thompson*, 147 F.3d 1124, 1127 (9th Cir. 1998).

The petition, which runs to two-hundred and fifty-nine pages, is nearly impossible to read. Petitioner’s handwriting is densely packed and undivided by paragraphs. At various points, petitioner scrawls illegible writings on the margins and edges of pages. *See, e.g.*, ECF No. 1 at

1 40-41. No respondent could reasonably be expected to comprehend and respond to this petition.
2 I will give petitioner a chance to amend. If he chooses to do so, he should use the habeas form
3 enclosed with this order and state his claims in a short, plain, and comprehensible manner.

4 It is ORDERED that:

- 5 1. Petitioner's application to proceed in forma pauperis, ECF No. 6, is GRANTED.
6 2. Petitioner may file an amended § 2254 petition within thirty days of this order's
7 entry. If he does not, I will recommend that the current petition be dismissed for the reasons
8 stated in this order.
9 3. The Clerk of Court is directed to send petitioner a federal habeas form with this
10 order.

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12 IT IS SO ORDERED.

13 Dated: April 11, 2022

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15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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